



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**September 13, 2006**

**SUBJECT:**           **2006-0787 - Ginger Café** [Applicant] **1963 Yvonne Jacobson Trust Et Al** [Owner]: Application located at **398 West El Camino Real Suite 114** (near S Mathilda Ave) in a C-2/ECR (Highway Business/El Camino Real Precise Plan) Zoning District.

Motion               **Special Development Permit** on a 63,724 square foot site to allow a general liquor license within a restaurant in Cherry Glen Plaza.

**REPORT IN BRIEF**

**Existing Site Conditions**           Commercial Shopping Center

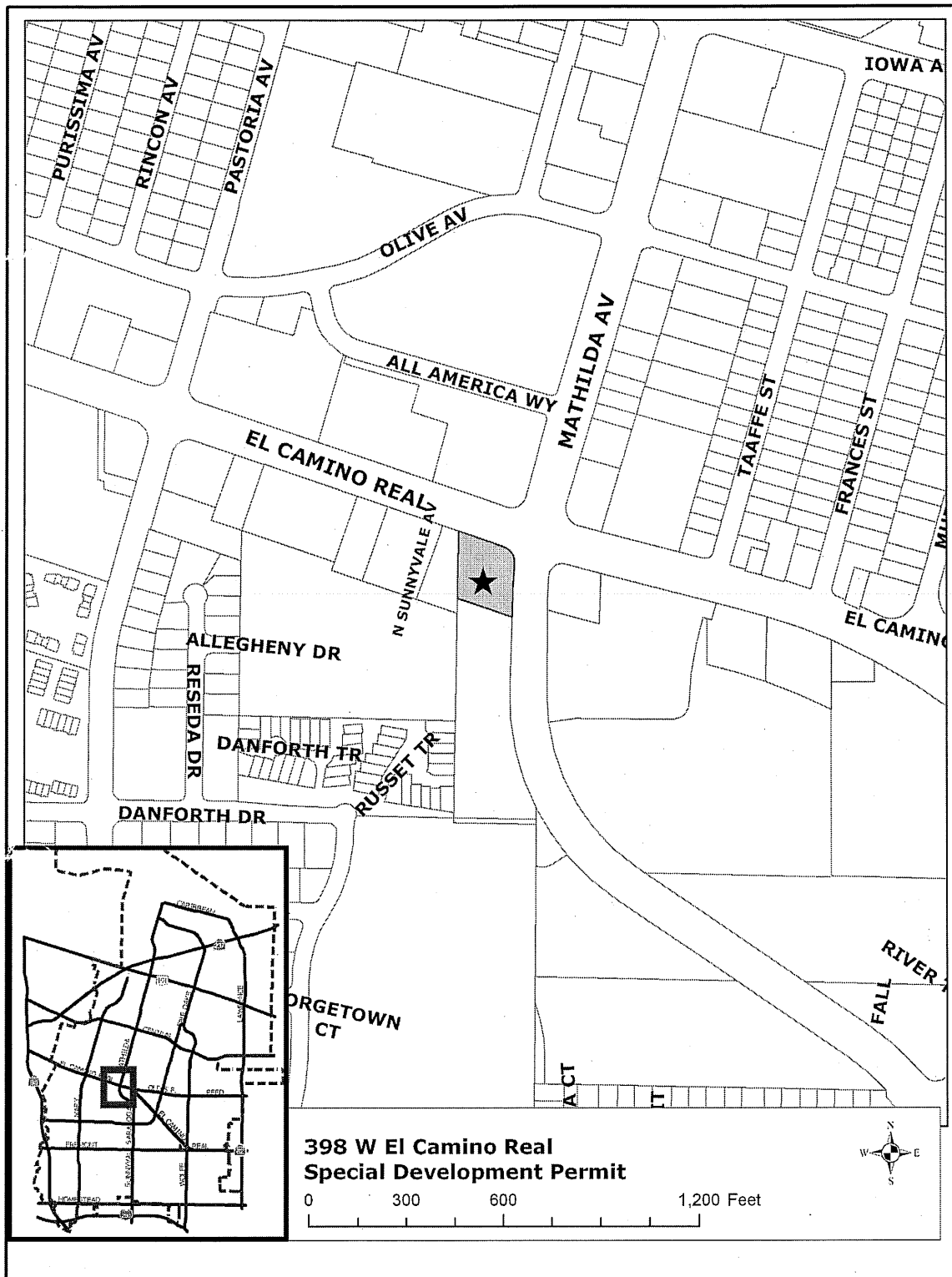
**Surrounding Land Uses**

North	Public Facilities/Office (across El Camino Real)
South	Residential Townhomes
East	Commercial Shopping Center (across Mathilda Ave.)
West	Commercial General Business

**Issues**                               Neighborhood Compatibility

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with Conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Commercial General Business	Same	Commercial General Business
<b>Zoning District</b>	C2/ECR	Same	C2/ECR
<b>Lot Size (s.f.)</b>	63,724	Same	N/A
<b>Gross Floor Area (s.f.)</b>	14,940	Same	N/A
<b>Gross Floor Area of Tenant</b>	2,673	Same	4,482 (30%) max. restaurant use
<b>Parking</b>			
<b>Total Spaces</b>	83 (existing non-conforming)	Same	108 min.
<b>Standard Spaces</b>	69	Same	75 min.
<b>Compact Spaces/ % of Total</b>	10	Same	10% max.
<b>Accessible Spaces</b>	4	Same	4 min.
<b>Bicycle Parking</b>	1 rack, 1 locker	Same	1 rack, 1 locker min.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**ANALYSIS****Description of Proposed Project**

The applicant is applying for a general liquor license to serve beer, wine, and other alcoholic beverages with meals and at a bar in a new restaurant.

**Background**

Ginger Café is a new restaurant in the recently constructed Cherry Glen Shopping Center. The restaurant use was approved under a Miscellaneous Plan Permit on August 30, 2006 (2006-0851). The approved restaurant use does not currently include outdoor dining; however, the applicant has expressed interest in expanding the restaurant to include outdoor dining in the

near future. If the outdoor dining use is approved, the applicant intends to serve alcoholic beverages at outdoor dining tables. If the outdoor dining use is not approved, alcoholic beverage service will be restricted to indoor dining tables and an indoor bar.

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/ Decision	Date
2006-0851	Miscellaneous Plan Permit for a Restaurant	Staff / Approved	08/30/2006
2006-0224	Master Sign Program	Staff / Approved	05/12/2006
2004-0306	Special Development Permit and Tentative Map for a Commercial Building and 36 Townhomes	City Council / Approved	07/13/2004

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include permitting and minor alterations for existing facilities.

### **Special Development Permit**

**Use:** The applicant is not proposing any changes to the operations of the approved restaurant at this time. No live entertainment will be provided, and business hours will be restricted to 11:00 a.m. to 10:00 p.m. daily. These hours are comparable to those of nearby restaurants such as PF Chang's China Bistro. Due to Ginger Café's close proximity to residential units, however, Staff recommends Condition of Approval #6, which restricts the hours of operation for indoor dining as follows:

- Monday – Saturday: 11:00 a.m. – 10:00 p.m.
- Sunday: 11:00 a.m. – 8:00 p.m.

In the event that outdoor dining is approved at a later date, Staff recommends Condition of Approval #7, which restricts the hours of operation for outdoor dining as follows:

- Monday – Saturday: 11:00 a.m. – 9:00 p.m.
- Sunday: 11:00 a.m. – 8:00 p.m.

**Site Layout:** Ginger Café restaurant is located in an existing shopping center with six tenant spaces. The restaurant will occupy the southern-most tenant space (Suite 114), which is located adjacent to a new townhome development. The applicant is not proposing any exterior changes to the building at this time. There are a number of interior changes in progress associated with the approved Miscellaneous Plan Permit for the restaurant use. If the Special Development Permit is approved, additional interior changes will include the construction of an exclusive bar to serve alcoholic beverages within the facility.

**Parking/Circulation:** The approved Special Development Permit for Cherry Glen Plaza (2004-0306) permits restaurant uses for up to 30% of the site's gross floor area without additional review of parking. Ginger Café's approved restaurant use occupies only 18 percent of the site's gross floor area; therefore, no parking review was required for approval of this use. Staff has determined that the sale of alcohol at Ginger Café will not significantly impact parking demand. No additional parking is required at this time.

**Compliance with Development Standards/Guidelines:** The proposed project complies with all current development standards. No further improvements are required at this time.

**Precise Plan for El Camino Real Design Guidelines:** This proposal is consistent with the overall development proposal for Cherry Glen Plaza, which the City Council found to be consistent with the Precise Plan for El Camino Real.

**Expected Impact on the Surroundings:** In general, Staff believes the proposed sale of alcohol on the site will not have a negative impact on surrounding uses. There are several nearby restaurants selling alcohol which are open late into the evening. Due to Ginger Café's close proximity to residential units, however, Conditions of Approval are recommended to minimize noise and other impacts to the adjacent residential units. These conditions include reduced hours of operation and restrictions on loitering in the parking lot and other outdoor areas (Attachment B).

### **Fiscal Impact**

---

No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

---

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 62 notices mailed to property owners and residents adjacent to the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's web site</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• Posted on the City of Sunnyvale's web site</li></ul>

**Conclusion**

---

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Recommended Conditions of Approval are located in Attachment B.

**Alternatives**

---

1. Approve the Special Development Permit with the Recommended Conditions of Approval found in Attachment B.
2. Approve the Special Development Permit with modified Conditions of Approval.
3. Deny the Special Development Permit.

**Recommendation**

---

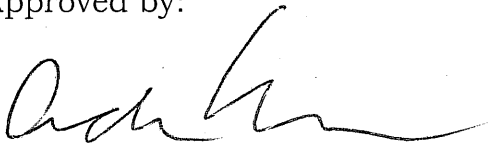
Alternative 1

Prepared by:

A handwritten signature in black ink, appearing to read 'Mariya Hodge', with a stylized, looping flourish at the end.

Mariya Hodge  
Project Planner

Approved by:

A handwritten signature in black ink, appearing to read 'Andrew Miner', with a long, horizontal, wavy flourish extending to the right.

Andrew Miner  
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site Plans





**Recommended Findings - Special Development Permit**

---

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as discussed below:

**A. Land Use and Transportation Element: Policy C4.1**

*Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.*

The proposed use would provide an added desired service to the restaurant, attracting local and regional patrons. Cherry Glen Plaza will provide a variety of restaurant and retail services to the community, and alcohol service within the Ginger Café restaurant would contribute to the diversity within and around this center.

**B. Land Use and Transportation Element: Policy N1.1**

*Protect the integrity of the City's neighborhoods, whether residential, industrial or commercial.*

The existing shopping center was designed in conjunction with the adjacent residential development, and the site design addresses the needs of both the commercial and residential tenants. The proposed use is compatible with the approved plans for the existing center, which will contain a mix of restaurant and retail services.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the project is consistent with the surrounding uses. In addition, the existing parking is adequate to support the proposed use.



**Recommended Conditions of Approval - Special Development Permit**

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

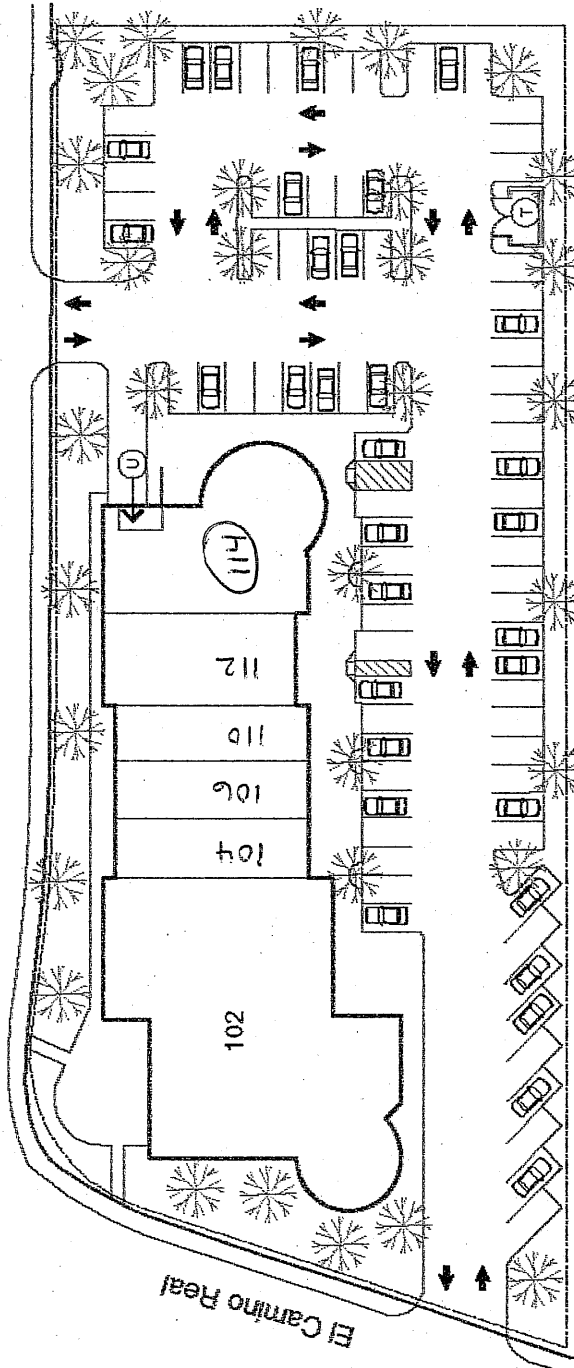
1. Comply with all requirements of Special Development Permit #2004-0306.
2. This Special Development Permit shall expire two years from the date of approval by the final review authority if the approval is not exercised or if the use is discontinued.
3. The project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development. Major changes may be approved at a public hearing.
4. Obtain a liquor license for the sale of alcohol from the ABC Department.
5. As required by code, the proposed use shall comply with the requirements of the noise ordinance.
6. The operation hours for the business shall be as follows:
  - Monday – Saturday: 11:00 a.m. – 10:00 p.m.
  - Sunday: 11:00 a.m. – 8:00 p.m.
7. In the event of a future approval for outdoor dining, the operation hours for the outdoor dining portion of the business shall be as follows:
  - Monday – Saturday: 11:00 a.m. – 9:00 p.m.
  - Sunday: 11:00 a.m. – 8:00 p.m.
8. All recycling and solid waste shall be confined to approved receptacles and enclosures.
9. The property shall remain clear and free of debris and garbage.
10. Loitering in the parking area and other outdoor areas shall be prohibited.



**Cherry Glen Plaza**  
**398 W. El Camino Real**  
**Sunnyvale, California**

398-#102 Fidelity Investments  
 398-#104 1,144 Square Feet  
 398-#106 Georgesen Hair Design  
 398-#110 Smoothie King  
 398-#112 Commonwealth Credit Union  
 398-#114 Ginger Cafe

Mathilda Avenue



El Camino Real



398 W. El Camino Real, Suite 240  
 Sunnyvale, CA 94087-1969  
 Phone (408) 331-2300  
 Fax (408) 331-2301



- Ⓢ Utility Closet
- Ⓣ Trash Enclosure
- Property Line

Site plan not to scale and subject to change without notice